

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF NURSING

IN THE MATTER OF THE
LICENSE OF

JOY N. SICINSKI, R.N.
License # 26NR12221700

TO PRACTICE NURSING IN THE
STATE OF NEW JERSEY

Administrative Action

**FINAL ORDER
OF DISCIPLINE**

This matter was opened to the New Jersey State Board of Nursing ("the Board") upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Joy N. Sicinski ("Respondent") is a Registered Professional Nurse (RN) in the State of New Jersey, and has been a licensee at all times relevant hereto.
2. Respondent provided in-home nursing care to a male patient for approximately nine months under the auspices of Virtua Homecare in 2011-2012.
3. Respondent admitted that the patient, who she claimed was grateful for her services, offered to gift Respondent's son with land in Colorado.
4. On or about June 23, 2012, the patient transferred land in Colorado to Respondent's son.
5. According to investigative notes supplied by Respondent's former employer, the land amounted to approximately five acres, and Respondent estimated its

worth at \$2,000. These notes indicated that Respondent paid the patient's bills out of Respondent's own personal checkbook in the course of caring for the patient and performed other financial transactions for the patient, as Respondent had access to the patient's ATM card and checking account.

6. Division of Consumer Affairs investigator John P. Agamie ascertained that Respondent's husband took approximately 40 years accumulation of tools and toolboxes belonging to the patient, from the patient's former employer, supposedly to sell the tools for the patient, and at the time of her termination, Respondent had possession of the tools in her own basement.

CONCLUSIONS OF LAW

Respondent's conduct, as indicated supra, constitutes multiple boundary violations of an egregious nature, and thus constitutes professional misconduct within the intendment of N.J.S.A. 45:1-21(e).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline seeking a two year suspension and a four thousand dollar (\$4000) civil penalty was entered on November 4, 2014. Copies were served upon Respondent via regular and certified mail. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the thirtieth day following entry unless Respondent requested a modification or dismissal of the stated findings of fact and conclusions of law by setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefor.

Respondent timely replied to the Provisional Order of Discipline, through legal

counsel. Respondent maintained that at the time she began providing in-home care for the patient, the patient had a friend and former co-worker who assisted the patient with a multitude of errands. Over time, the friend and co-worker assisted the patient less and less and Respondent began taking over a number of the tasks. Respondent purchased groceries for the patient and received partial reimbursement from the patient. Respondent paid bills for the patient out her own checkbook and received reimbursement from the patient. Respondent maintains that the patient gave Respondent his ATM card and personal identifying number (PIN), requested that she make cash withdrawals, and asked that Respondent bring the cash back to the patient with a receipt. Respondent used the patient's ATM card, with his PIN, and made cash withdrawals. Respondent acknowledges that she should not have done those things for the patient and accepts responsibility for her mistakes.

Respondent also acknowledged that through simple conversations, the patient learned that Respondent's son was a hunter, fisher and outdoorsman. The patient indicated he owned land in Colorado that could be used for those activities, although the patient had never been to the property and would be unable to enjoy it in the future due to his health problems. Respondent maintains that the patient offered to gift the land to her son. Respondent acknowledges that she provided her son's phone number to the patient. The land was transferred from the patient to Respondent's son via the signing of a Quitclaim Deed during the period of time that Respondent worked for the patient or shortly thereafter.

The patient had formerly worked as a machinist, which is the same profession as Respondent's husband. Respondent maintains that the patient was worried about his

tools that he left at his former place of employment because it was going out of business. Respondent maintains that the patient asked Respondent to have her husband pick up the patient's tools. Respondent further maintains that when she advised the patient that she had the tools and wanted to bring them to the patient, he declined and said he had no room for them and did not want them. Respondent still has the tools.

Respondent recognizes that her actions could be perceived as serious boundary violations, but maintains she was simply trying to assist the patient and acting in the patient's best interest.

The Board reviewed Respondent's submissions and determined that further proceedings were not necessary and that no material discrepancies had been raised. The Board was not persuaded that the submitted materials merited further consideration or an appearance before the Board, as Respondent recognized the boundary violations and accepted responsibility for her mistakes. Respondent provided an ample reply to the Provisional Order of Discipline which presented Respondent's intentions for her actions. Thereafter, Respondent submitted a supplemental response demonstrating that Respondent had completed a three hour course entitled "Professional Boundaries in Nursing." Despite what Respondent's intentions may or may not have been, the simple conclusion – which Respondent admits – is that she committed a number of serious boundary violations. These boundary violations occurred while Respondent was working as a home care nurse and she has continued to work in that field. Her repeated and varied boundary violations over the course of nine months of working with the patient demonstrate a troubling pattern of conduct. The public expects nurses to

maintain boundaries, especially in the area of home care where the population served is particularly vulnerable and isolated.

ACCORDINGLY, IT IS on this 23rd day of April, 2015

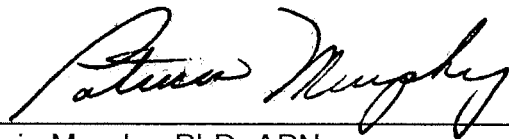
ORDERED that:

1. Respondent's New Jersey nursing license is hereby suspended for a period of two years for the violation of N.J.S.A. 45:1-21(e). The Board will not consider any application for reinstatement by Respondent until she demonstrates that she has complied with continuing education requirements and satisfied the civil penalty in full.

2. A four thousand dollar (\$4000) civil penalty is hereby imposed for the violation of N.J.S.A. 45:1-21(e). Payment shall be made by certified check, bank cashier check, or money order payable to "State of New Jersey," or by wire transfer, direct deposit, or credit card payment delivered or mailed to George Hebert, Executive Director, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Any other form of payment will be rejected and will be returned to the party making the payment. Payment shall be made no later than twenty-one (21) days after the date of filing of this Final Order of Discipline. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

NEW JERSEY STATE BOARD OF NURSING

By:



Patricia Murphy, PhD, APN
Board President